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Jukka-Pekka Salmenkaita

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2454

NOTIFICATION DATE

DELIVERY MODE

03/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,281	<b>Applicant(s)</b> SALMENKAITA, JUKKA-PEKKA	
	<b>Examiner</b> DUSTIN NGUYEN	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,8-12,16,18,20,22,26,27,30-32,34,40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8-12,16,18,20,22,26,27,30-32,34,40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1, 3, 5, 8-12, 16, 18, 20, 22, 26, 27, 30-32, 34, 40 and 41 are presented for examination.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/2009 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed 12/11/2009 have been fully considered but they are not persuasive.

4. As per remarks, Applicants mention that during the telephone interview, the Examiner indicated that the present claim amendments appeared to overcome the rejections of record. Examiner respectfully disagrees since the draft claimed

amendment submitted on 12/03/2009 for the telephonic interview was different from the current claimed amendment. As indicated in the interview summary mailed on 12/16/2009, Examiner suggested Applicants to further elaborate and define the activity-base and action-based presence information to clearly distinguish from Sato reference, however, Applicants fail to do so. Therefore, the limitations remain rejected as indicated below.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hackbarth on displaying contact methods of another party would enable to monitor the states of all devices connected to the conference, either computer or telephone, and makes that information available to all participants monitoring the conference without requiring user-generated explicit commands to do so [ Hackbarth, col 2, lines 4-9 ].

### ***Claim Objections***

6. Claims 10, 16, 32 and 41 are objected to because of the following informalities:  
“one ore more” should be corrected as “one or more”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following terms lack antecedent basis:

each address and constructed address table - claims 3, 18.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 8, 9, 11, 12, 16, 26, 30-32, 40 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Hackbarth et al. [ US Patent No 7,107,312 ].

11. As per claim 1, Sato discloses the invention as claimed including a method comprising:  
defining at least one communication group and members of said groups in a personal communication device operable in a telecommunication network [ i.e. select peer machines to participate in the conference ] [ Figures 4, 6 and 7; col 6, lines 29-col 7, lines 5; and col 7, lines 27-48 ],

defining, at the personal communication device, communication actions associated with one or more methods [ i.e. data distribution process ] [ Figures 13-15; and col 10, lines 27-54 ],

sending at least one communication action of the defined communication actions from the personal communications device to a far-end party by the personal communication device [ i.e. the conference host distributes data to the data requester in the position to be the shortest time ] [ Figure 13; and col 11, lines 1-7 ],

identifying by the personal communication device a communication group of said at least one communication group having the far-end party of the at least one communication action as a member [ S1-S4, Figure 13; and col 10, lines 55-col 11, lines 1 ], and

sending from the personal communications device notifications in response to the at least one communication action, to each of target devices, that constitutes a member of said identified communication group except the far-end party [ i.e. after the distribution of data, remaining conferee peer machines are informed that the data distributed conferee peer machine is a mirror

Art Unit: 2454

of the remaining conferee peer machines ] [ S5, Figure 13; Abstract; col 11, lines 7-10; and col 15, lines 33-35 ], wherein said notification are distinct from said at least one communication action [ i.e. sending or informing the address of mirror data requester to all other data requesters is distinct from the distribution of data from the conference host to the data requester in the position to the shortest time as the result of a communication test ] [ col 2, lines 43-52; and col 11, lines 1-10 ].

Sato does not specifically disclose wherein said notifications comprise activity-based presence information of said far-end party, and said activity-based presence information indicating reachability of the far-end party through at least the one or more communication methods.

Hackbarth disclose wherein said notifications comprise activity-based presence information of said far-end party, and said activity-based presence information indicating reachability of the far-end party through at least the one or more communication methods [ i.e. presence panel, a set of icons to the right of the person's name indicates recent activity or inactivity of the person's device, and if you need to reach Audris, a single click on his office phone icon or select appropriate icons ] [ Figure 11; and col 17, lines 62-col 18, lines 14 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Hackbarth since the teaching of Hackbarth would enable to provide a "complete" information on the history of prior conference participation of each of the participants at multiple levels of granularity [ Hackbarth, col 2, lines 10-21 ].

Art Unit: 2454

12. As per claim 8, Sato discloses wherein said sending of the at least one communication action triggers the sending of notifications [ i.e. algorithm for distributing data ] [ col 10, lines 39-54 ].

13. As per claim 9, Hackbarth discloses wherein said notifications comprise one of the following: sounds to be played by said target devices, textual information, or visual symbols associated with said communication group [ i.e. icon ] [ col 17, lines 62-col 18, lines 14 ].

14. As per claim 11, Sato discloses wherein said notifications are sent over a connection utilizing Internet Protocol, version 6 [ col 1, lines 18-22 ].

15. As per claim 12, Sato discloses wherein said at least one communication action is one of the following: initiating a call, answering a call, sending a message, receiving a message, or reading a received message [ Figure 13; and col 10, lines 55-col 11, lines 34 ].

16. As per claim 16, it is rejected for similar reasons as stated above in claim 1. Furthermore, Sato discloses the associations of profiles with online actions [ i.e. select application to be shared ] [ Figure 6; col 7, lines 27-48; and col 13, lines 37-54 ], and Hackbarth discloses action-based presence information indicating an active status of the personal communication device in conducting the at least one online action [ i.e. access the sender's calendar ] [ col 5, lines 65-67; col 6, lines 3-17; and col 18, lines 35-40 ].



17. As per claim 26, Sato discloses wherein said action is part of a procedure for accessing the Internet [ Figure 10; and col 8, lines 46-col 9, lines 25 ].

18. As per claim 30, Sato discloses contacting a server for acquiring or updating communication group definitions [ col 1, lines 24-37; and col 8, lines 46-col 9, lines 26 ].

19. As per claim 31, it is rejected for similar reasons as stated above in claim 1.

20. As per claim 32, it is rejected for similar reasons as stated above in claim 16.

21. As per claim 40, Hackbarth discloses wherein said communication group shares an electronic calendar [ i.e. team calendar ] [ col 5, lines 65-67 ], and said notification indicates the personal communications device is accessing the calendar [ i.e. access the sender's calendar ] [ col 6, lines 3-17; and col 18, lines 35-40 ].

22. As per claim 22, it is rejected for similar reasons as stated above in claim 10.

23. Claims 3, 5, 18, 20, 27, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Hackbarth et al. [ US Patent No 7,107,312 ], and further in view of Ozzie et al. [ US Patent No 6,640,241 ].

Art Unit: 2454

24. As per claim 3, Sato and Hackbarth do not specifically disclose wherein each address appears not more than once in said constructed address table. Ozzie discloses wherein each address appears not more than once in said constructed address table [ i.e. unique address ] [ col 7, lines 61-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato, Hackbarth and Ozzie because the teaching of Ozzie would enable distributed computer-based system for coordinating and otherwise maintaining data pursuant to a distribute data model [ Ozzie, col 1, lines 25-28 ].

25. As per claim 5, Ozzie discloses wherein a user presence database stored in said personal communications device is updated based on received notification data [ col 18, lines 6-18 ].

26. As per claim 18, it is rejected for similar reasons as stated above in claim 3.

27. As per claim 20, it is rejected for similar reasons as stated above in claim 5.

28. As per claim 27, Ozzie discloses wherein said action is switching the user profile [ Figure 5; and col 13, lines 9-37 ].

29. As per claim 34, it is rejected for similar reasons as stated above in claim 5.

Art Unit: 2454

30. Claims 10 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Hackbarth et al. [ US Patent No 7,107,312 ], and further in view of Toth et al. [ US Patent Application No 2005/0053068 ].

31. As per claim 10, Sato and Hackbarth do not specifically disclose wherein said one or more communication methods include at least one of messaging and calling, and said notification is a voice call, a short message service or multimedia messaging service message. Toth discloses wherein said one or more communication methods include at least one of messaging and calling, and said notification is a voice call, a short message service or multimedia messaging service message [ paragraphs 0048 and 0071 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato, Hackbarth and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

32. As per claim 41, it is rejected for similar reasons as stated above in claim 10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/  
Examiner, Art Unit 2454